

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DEAN MARINE & EXCAVATING, INC.  
a Michigan corporation,

Plaintiff,

vs.

Case No.: 24-13244

Honorable: Laurie J. Michelson

THE VESSEL “HELENE” her engines,  
tackle, machinery, appurtenances, and  
apparel, etc. in rem., a vessel on the navigable  
waterways of the United States of America,  
DANIEL DEANE, an individual,  
NICHOLSON TERMINAL & DOCK COMPANY,  
a Michigan Corporation, FIRST OF AMERICA BANK  
– SECURITY nka FIRST OF AMERICA BANK –  
SOUTHEAST MICHIGAN, N.A., a Michigan Corporation,  
and SHAMROCK CHARTERING CO. a Michigan Corporation

Defendants.

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**ORDER GRANTING DEAN MARINE & EXCAVATING, INC.’S MOTION  
FOR SUBSTITUTE CUSTODIAN**

Plaintiff, Dean Marine & Excavating, Inc. (“Dean Marine”), having brought  
its Motion for Substitute Custodian, the Court having heard arguments regarding  
same, and the Court otherwise being fully advised in the premises:

IT IS HEREBY ORDERED that Plaintiff, Dean Marine’s Motion is hereby  
GRANTED.

IT IS FURTHER ORDERED that Dean Marine and Excavating, Inc. in consideration of the United States Marshal's consent to the substitution of custody, shall indemnify, hold harmless, and release the United States Marshal, the United States of America, their agents, servants, employees, and all others for whom they are responsible, from any and all liability and responsibility arising out of the care and custody of the vessel, her engines, tackle, appurtenances, furnishings, [cargo], etc. from the date of the transfer of possession of said vessel, her engines, tackle, appurtenances, furnishings, [cargo], etc.

IT IS FURTHER ORDERED that Dean Marine and Excavating, Inc. shall defend the United States of America, the United States Marshal, their agents, servants, employees, and all others for whom they are responsible, against all claims and actions arising out of said substitute custody and, further, shall indemnify and hold harmless and be responsible to pay and satisfy all claims and judgments that might arise out of said substitute custody and shall be responsible and indemnify and hold harmless the United States of America, the United States Marshal, their agents, servants, employees, and all others for whom they are responsible, for all attorneys' fees, costs, expenses and disbursements incurred in defending against such claims or actions arising out of said substitute custody.

IT IS FURTHER ORDERED that the United States Marshal for the Eastern District of Michigan shall surrender the possession of the Defendant vessel to the substitute custodian named herein upon executing the warrant in this action.

IT IS FURTHER ORDERED that Dean Marine and Excavating, Inc. be, and is hereby, appointed the custodian of said vessel to retain the same in its custody for possession and safekeeping for the aforementioned compensation until further Order of the Court.

IT IS FURTHER ORDERED that all United States Marshal's costs be paid prior to release of said vessel.

IT IS FURTHER ORDERED that the substitute custodian must receipt for the vessel and the United States Marshal must attest to the date and time of release on a certified copy thereof.

/s/Laurie J. Michelson  
LAURIE J. MICHELSON  
UNITED STATES DISTRICT JUDGE

Dated: December 6, 2024